

CHAPTER 1.2 LEGAL FRAMEWORK

Section 1.2.10 - RULES OF CONSTRUCTION

This Code shall be construed liberally in order to achieve its purposes. Unless specifically prescribed otherwise in this Code, the following provisions shall govern its interpretation and construction:

- a. When consistent with the context, words in the present tense include the future, words in plural include the singular, and words in singular include the plural.
- b. Unless specified otherwise in this Code, any action authorized or required to be taken by the City may be accomplished by the Council or by an official or agent designated by the Council.

Section 1.2.20 - SEVERABILITY AND CONSTITUTIONALITY

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Council hereby declares that it would have passed this Code and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Section 1.2.30 - DESCRIPTIVE HEADINGS

The paragraph captions and headings in this Code are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Code.

Section 1.2.40 - CALCULATION OF TIME

Where the performance of any act, duty, matter, or payment is required and the period of time or duration for the performance is prescribed and fixed, the time shall be computed to exclude the first day and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on a Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation. The word "day" means calendar day unless specified otherwise.

Section 1.2.50 - SAVINGS CLAUSE

The amended Corvallis City Ordinance 93-20, which is repealed by the ordinance adopting this Code, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates Corvallis City Ordinance 93-20, as amended, prior to the effective date of this Code.

Section 1.2.60 - REVIVAL

The repeal of Corvallis City Ordinance 93-20, as amended, does not thereby revive any provision, ordinance, or section that was in effect prior to the adoption or amendment of Corvallis City Ordinance 93-20 as amended. This repeal does not affect any punishment, penalty, or fine incurred before the repeal took place or any prosecution or proceeding begun or pending prior to the adoption of this Code.

Section 1.2.70 - NONDISCRIMINATION

The City shall not discriminate on the basis of race, religion, national origin, age, color, gender, sexual orientation, or physical disability in the administration or enforcement of this Code.

Section 1.2.80 - TEXT AMENDMENTS

1.2.80.01 - Background

This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies.

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

- a. Majority vote of the City Council; or
- b. Majority vote of the Planning Commission.

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

Section 1.2.90 - THE OFFICIAL ZONING MAP

Zone boundaries established by this Code are shown on the Official Zoning Map, which is on file in the Community Development office. The City's Official Zoning Map shall be the City's geographic information system (GIS) version of the Zoning Map, as retained by the City's Mapping and GIS Services Division, and as adopted on December 31, 2000 and amended from time to time. The Official Zoning Map and all amendments and other matters entered on the Official Zoning Map are a part of this Code and have the same legal effect as if fully set out herein.

1.2.90.01 - Amendments

Amendments to the Official Zoning Map shall be adopted as provided in Chapter 2.2 - Zone Changes. After adoption of an amendment, the Director shall alter the Official Zoning Map to indicate the amendment.

1.2.90.02 - Interpretation of Zone Boundaries

Zone boundaries shown on the Official Zoning Map shall be located as described in the ordinance or order establishing and amending such zone boundaries. Public streets and highways shall not be zoned, nor shall private streets be zoned unless specifically included within a particular zone. If uncertainty exists as to the boundaries of the zones and the uncertainty is not resolved by the ordinance or orders that establish and amend such boundaries, the following rules shall apply:

- a. Boundaries indicated as approximately following property lines shall be construed as following such lines;
- b. Boundaries indicated as approximately following railroad lines shall be construed as midway between the main track or tracks;
- c. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- d. Boundaries indicated as parallel to, or extensions of natural or human-made features indicated in "a" through "c" above shall be so construed as following these features;
- e. Where a boundary between zones is present on a lot or parcel, the portions of the lot within the given zone shall be subject to the applicable uses and development standards of that zone. If a boundary between zones is present on a lot or parcel and neither portion of the lot or parcel is developable under the applicable zone, then a property owner may petition the Land Development Hearings Board to apply one or the other zone to the entire lot or parcel. Such a petition shall follow the procedures and review criteria established for a zone change in Chapter 2.2 - Zone Changes; and
- f. Boundaries indicated as approximately following the center lines of alleys, streams, rivers, lakes, or other bodies of water shall be construed as following such center lines.

Where uncertainties continue to exist after application of the above rules, the Land Development Hearings Board shall determine the location of such boundaries.

Section 1.2.100 - DEVELOPMENT REVIEW FEES

1.2.100.01 - Required Fees

The Director is authorized to charge and collect fees for the provision of municipal services outlined in this Code. The City Council shall set fees in accordance with the Council's financial policies and shall charge no more than the actual or average cost of providing planning and development review services in accordance with ORS 227.175(1). The Director shall maintain a current schedule of fees for public review.

1.2.100.02 - Annual Review

Development review fees shall be reviewed annually and revised to reflect the change in costs to the City for wages and benefits of appropriate represented employees in the current fiscal year. The annual adjustment of fees shall be effective January 1 of each year.

Section 1.2.110 - DEVELOPMENT REVIEW PROCESS

1.2.110.01 - Ministerial Development

Ministerial Development includes nondiscretionary development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Those uses that are listed in the zones in Article III as "Permitted Uses" are Ministerial Development activities. These uses require staff review upon application for a building permit and are subject to zoning standards and other development provisions of the Code and applicable City ordinances and requirements, including all City-adopted plans such as the Transportation Plan, the public facilities master plans, the Parks Master Plan, etc. Additionally, these uses are subject to all applicable Federal and State standards and regulations, such as the Uniform Building and Fire Codes, regulations by the State Department of Environmental Quality (DEQ), the Division of State Lands (DSL), etc. Review of building permits shall be accomplished according to ministerial procedures.

1.2.110.02 - General Development

General Development includes development activities that require at least some discretion. General Development requires less discretion than Special Development and involves review and approval by staff without a public hearing. General Development requires public notice prior to a staff decision. A notice of disposition is provided to persons who respond in writing to the public notice. Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19 - Appeals. As with Ministerial Development, approval of a General Development use is subject to zoning standards and other development provisions of the Code and City ordinances and requirements.

General Development activities that may be approved by staff without a public hearing are described in the following sections of Article II - Administrative Procedures:

- | | | |
|--------------|---|--|
| Chapter 2.5 | - | Expedited Land Division, section 2.5.100. |
| Chapter 2.9 | - | Historic Preservation Provisions (excluding the activities identified in Chapter 2.9 as needing a public hearing, such as in section 2.9.30), sections 2.9.40 - 2.9.100. |
| Chapter 2.12 | - | Lot Development Option, section 2.12.30. |
| Chapter 2.13 | - | Plan Compatibility Review, section 2.13.30. |
| Chapter 2.14 | - | Partitions, Minor Replats, and Lot Line Adjustments, sections 2.14.30 - 2.14.80. |
| Chapter 2.15 | - | Hillside Development and Density Transfer, section 2.15.40. |
| Chapter 2.16 | - | Request for Interpretations, section 2.16.30. |
| Chapter 2.18 | - | Solar Access Permits, section 2.18.40. |

1.2.110.03 - Special Development

Special Development includes development activities that require considerable discretion. It involves a public hearing, in accordance with the provisions of Chapter 2.0, as well as approval by an established hearing authority. As with Ministerial Development, approval of a Special Development use is subject to zoning standards and other development provisions of the Code and City ordinances and requirements.

Special development activities are described in the following sections of Article II - Administrative Procedures:

- | | | |
|-------------|---|---|
| Chapter 2.1 | - | Comprehensive Plan Amendments, section 2.1.30. |
| Chapter 2.2 | - | Zone Changes, sections 2.2.30 and 2.2.40. |
| Chapter 2.3 | - | Conditional Development, section 2.3.30. |
| Chapter 2.4 | - | Subdivisions and Major Replats, sections 2.4.30 - 2.4.80. |
| Chapter 2.5 | - | Planned Developments and Refinement Plans, sections 2.5.40 - 2.5.90. |
| Chapter 2.6 | - | Annexations, section 2.6.30. |
| Chapter 2.7 | - | Extension of City Services Outside the City Limits, section 2.7.50. |
| Chapter 2.8 | - | Vacating of Public Lands and Plats, section 2.8.40. |
| Chapter 2.9 | - | Historic Preservation Provisions (excluding the activities identified in Chapter 2.9 that do not involve a public hearing), section 2.9.30. |

1.2.110.04 - Conditions of Approval

Conditions of approval placed on developments shall be based upon Comprehensive Plan and Code criteria.

Section 1.2.120 - ROUGH PROPORTIONALITY

If an applicant intends to assert that he/she cannot legally be required, as a condition of building permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the building permit or site plan review application shall include a "rough proportionality" report submitted by the applicant and prepared by a qualified civil or traffic engineer (or qualified professional in the field of the issue in question), as appropriate, showing:

- a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
- c. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

For building permits that do not involve any City planning processes, the applicant shall submit the report outlined above at the time of its related appeal period. For building permits that do involve City planning processes, the applicant shall submit the report either during the period following the staff review committee (SRC) meeting and prior to the mailing of the public notice, or during the regular appeal period associated with such planning applications. Appeal processes are outlined in Chapter 2.19 - Appeals of this Code.